b. Water Circulation, Fluctuation and Salinity Determination.

(1) Water Column Effects. During dredging, beach fill operations, turbidity will increase temporarily in the water column. The increased turbidity will be short-term; therefore fill placement will have no long-term or significant impacts, if any, on salinity, water chemistry, clarity, color, odor, taste, dissolved gas levels, nutrients or eutrophication.

(2) Current Patterns and Circulation. Net movement of water is from the north to the south. The project will have no significant effect on existing current patterns, current flow, velocity, stratification, or the hydrologic regime in the area.

(3) Normal Water Level Fluctuations and Salinity Gradients. Mean tidal range in the project area is 3.5 feet with a spring tide range of approximately 4.1 feet. Salinity is that of oceanic water. Fill placement will not affect normal tide fluctuations or salinity.

c. Suspended Particulate/Turbidity Determinations.

(1) Expected Changes in Suspended Particulates and Turbidity Levels in the Vicinity of the Disposal Site. There may be a temporary increase in turbidity levels in the project area during dredging and along the beach fill sites during discharge. There may also be a temporary increase in turbidity during rock disposal at the artificial reef site. There may be some disturbance of the bottom sediments as the rock material hits the bottom causing some minimal turbidity. Turbidity will be short-term and localized and no significant adverse impacts are expected. State water quality standards for turbidity outside an allowable mixing zone will not be exceeded.

(2) Effects on the Chemical and Physical Properties of the Water Column. The sea floor at this location is characterized by a large sandy shoal. There would be little, if any adverse effects to chemical and physical properties of the water as a result of the use of the proposed borrow area.

(a) Light Penetration. Some decrease in light penetration may occur in the immediate vicinity of the dredging and beach fill areas. This effect will be temporary, limited to the immediate area of construction, and will have no adverse impact on the environment.

(b) Dissolved Oxygen. Dissolved oxygen levels will not be altered by this project due to the high energy wave environment and associated adequate reaeriation rates.

(c) Toxic Metals, Organics, and Pathogens. No toxic metals, organics, or pathogens are expected to be released by the project.

(d) Aesthetics. The aesthetic quality of the water in the immediate area of the project will be reduced during construction due to increased turbidity. This will be a short-term and localized condition. The placement of clean beach compatible sand on an erosive beach will likely improve the aesthetic quality of the immediate area.

(3) Effects on Biota.

(a) Primary Productivity and Photosynthesis. Primary productivity is not a recognized, significant phenomenon in the surf zone, where a temporarily increased level of suspended particulates will occur. There will be no effect on the nearshore productivity as a result of the proposed beach fill.

(b) Suspension/Filter Feeders. An increase in turbidity could adversely impact burrowing invertebrate filter feeders within and adjacent to the immediate construction area. It is not

expected that a short-term, temporary increase in turbidity will have any long-term negative impact on these highly fecund organisms.

(c) Sight Feeders. No significant impacts on these organisms are expected as the majority of sight feeders are highly motile and can move outside the project area.

d. Contaminant Determinations. Material which will be dredged from the proposed borrow site will not introduce, relocate, or increase contaminants at the fill area. The material is clean sand compatible with the existing beach. The material to be deposited at the artificial reef site is clean rock, shell and coral rubble.

e. Aquatic Ecosystem and Organism Determinations. The fill material that will be dredged from the proposed borrow area and used in the beach erosion control project is similar enough to the existing substrate so that no impacts are expected. The materials meet the exclusion criteria, therefore, no additional chemical-biological interactive testing will be required.

(1) Effects on Plankton. No adverse impacts on autotrophic or heterotrophic organisms are anticipated.

(2) Effects on Benthos. The beach fill will bury some benthic organisms. Benthic organisms found in the intertidal areas along the project beach are adapted for existence in an area with considerable substrate movement, thus some will be able to burrow up through the fill material. Recolonization is expected to occur within a year after construction activities cease. A few species less adapted to this dynamic high-energy environment would take longer to recover and may not fully recover before the next storm or renourishment event. No adverse long-term impacts to non-motile or motile benthic invertebrates are anticipated. Similar impacts to benthic organisms within the area to be dredged are expected. Placement of the discharge pipeline across the nearshore hardbottom will impact a portion of the benthic community. Any impact to the hardbottom community as a result of placing the pipeline will be mitigated. Refer to Section 4.0 Environmental Effects, in the EA.

(3) Effects on Nekton. No adverse impacts to nektonic species are anticipated.

(4) Effects on the Aquatic Food Web. No adverse long-term impact to any trophic group in the food web is anticipated.

(5) Effects on Special Aquatic Sites.

(a) Hardground and Coral Reef Communities. There are no hardground or coral reef communities located in the immediate nearshore area that would be impacted by beach fill activities. The proposed offshore borrow area is located near hardground communities. Dredging activities could impact these areas by mechanical destruction and/or by sedimentation. To minimize the potential for impacts to these communities the borrow area has been designed to include buffer zones adjacent to the hardgrounds in which dredging will not be allowed. The edge of the hardgrounds will be marked with buoys to minimize the chance of encroachment by the dredge. A biological monitoring program will be implemented before, during and after construction to determine if any impacts have occurred. The placement of rock and rubble at the artificial reef site will provide a suitable substrate for the colonization of sessile benthic organisms, thus, over a period of time, creating hardbottom community. The discharge pipeline used to pump the sand from the dredge to the beach will be placed across the nearshore hardbottom community in the vicinity of the beach to be renourished. Any impacts to the hardbottom community would be appropriately mitigated by constructing an artificial reef. Refer to Section 4.0 Environmental Effects, in the EA for a more detailed discussion on hardbottom impacts and mitigation.

(6) Endangered and Threatened Species. There will be no significant adverse impacts on any threatened or endangered species or on critical habitat of any threatened or endangered species. Refer to Section 5.0 in the EA for measures that will be implemented to protect endangered and threatened species.

(7) Other Wildlife. No adverse impacts to small foraging mammals, reptiles, or wading birds, or wildlife in general are expected.

(8) Actions to Minimize Impacts. All practical safeguards will be taken during construction to preserve and enhance environmental, aesthetic, recreational, and economic values in the project area. Specific precautions are discussed elsewhere in this 404(b) evaluation and in the EA for this project (refer to Sections 4.0 and 5.0 in the EA).

f. Proposed Disposal Site Determinations.

(1) Mixing Zone Determination. Clean sand, compatible with the existing beach, would be placed on the beach. Clean rock, shell and coral rubble too large to place on the beach will be deposited in a permitted artificial reef site. This will not cause unacceptable changes in the mixing zone water quality requirements as specified by the State of Florida's Water Quality Certification permit procedures. No adverse impacts related to depth, current velocity, direction and variability, degree of turbulence, stratification, or ambient concentrations of constituents are expected from implementation of the project.

(2) Determination of Compliance with Applicable Water Quality Standards. Because of the inert nature of the material to be dredged, Class III water quality standards will not be violated.

(3) Potential Effects on Human Use Characteristics.

(a) Municipal and Private Water Supplies. No municipal or private water supplies will be impacted by the implementation of the project.

(b) Recreational and Commercial Fisheries. Fishing in the immediate construction area will be prohibited during construction. Otherwise, recreational and commercial fisheries will not be impacted by the implementation of the project.

(c) Water Related Recreation. Beach/water related recreation in the immediate vicinity of construction will be prohibited during construction activities. This will be a short-term impact.

(d) Aesthetics. The existing environmental setting will not be adversely impacted. Construction activities will cause a temporary increase in noise and air pollution caused by equipment as well as some temporary increase in turbidity. These impacts are not expected to adversely affect the aesthetic resources over the long term and once construction ends, conditions will return to pre-project levels.

(e) Parks, National and Historic Monuments, National Seashores, Wilderness Areas, Research Sites, and Similar Preserves. No such designated sites are located within the project area. However, the Key Biscayne National Park is located south of the proposed borrow areas and the Key Biscayne Artificial Reef Special Management Zone is located immediately east. It is not expected that construction activities will affect any resources in these areas.

g. Determination of Cumulative Effects on the Aquatic Ecosystem. There will be no cumulative impacts that result in a major impairment of water quality of the existing aquatic ecosystem as a result of the placement of fill at the project site.

h. Determination of Secondary Effects on the Aquatic Ecosystem. There will be no secondary impacts on the aquatic ecosystem as a result of the dredging and beach fill.

III. Findings of Compliance or Non-compliance with the Restrictions on Discharge.

a. No significant adaptations of the guidelines were made relative to this evaluation.

b. No practicable alternative exists which meets the study objectives that does not involve discharge of fill into waters of the United States. Further, no less environmentally damaging practical alternatives to the proposed actions (use of the proposed borrow site) exist. The use of upland and or other sand sources would cause the cost of hauling and/or bulk purchase price to be significantly higher than the use of the proposed borrow site. In addition, the impacts of using other sources on cultural resources, protected species, and other environmental factors would likely be equal to or greater than the impacts of the proposed action. The no action alternative would allow the present condition of the shoreline to continue and would not provide the benefits needed for storm damage protection.

c. After consideration of disposal site dilution and dispersion, the discharge of fill materials will not cause or contribute to, violations of any applicable State water quality standards for Class III waters. The discharge operation will not violate the Toxic Effluent Standards of Section 307 of the Clean Water Act.

d. The dredging of and disposal of dredged materials for beach construction will not jeopardize the continued existence of any species listed as threatened or endangered or result in the likelihood of destruction or adverse modification of any critical habitat as specified by the Endangered Species Act of 1973, as amended. Standard conditions for monitoring and relocating turtle nests would be employed. The requirements in the Regional Biological Opinion dated September 25, 1997 from the National Marine Fisheries Service for use of a hopper dredge would be followed.

e. The dredging and placement of fill material will not result in significant adverse effects on human health and welfare, including municipal and private water supplies, recreational and commercial fishing, plankton, fish, shellfish, wildlife, and special aquatic sites. The life stages of aquatic species and other wildlife will not be adversely affected. Significant adverse effects on aquatic ecosystem diversity, productivity and stability, and recreational, aesthetic, and economic values will not occur.

f. Appropriate steps have been taken to minimize the adverse environmental impact of the proposed action. The proposed borrow area has low silt content, therefore, turbidity due to silt will be low when dredging and discharging. Turbidity will be monitored so that if levels exceed State water quality standards of 29 NTU's above background, the contractor will be required to cease work until conditions return to normal. In the vicinity of reef and other hard grounds, measures would be taken to minimize sediment deposition on sensitive reef organisms.

g. On the basis of the guidelines, the proposed dredging and disposal sites are specified as complying with the requirements of these guidelines.

APPENDIX B - COASTAL ZONE MANAGEMENT CONSISTENCY

1. Chapter 161, Beach and Shore Preservation. The intent of the coastal construction permit program established by this chapter is to regulate construction projects located seaward of the line of mean high water and which might have an effect on natural shoreline processes.

Response: The proposed plans and information will be submitted to the state in compliance with this chapter.

2. Chapters 186 and 187, State and Regional Planning. These chapters establish the State Comprehensive Plan, which sets goals that articulate a strategic vision of the State's future. It's purpose is to define in a broad sense, goals, and policies that provide decision-makers directions for the future and provide long-range guidance for an orderly social, economic and physical growth.

Response: The proposed project has been coordinated with various Federal, State and local agencies during the planning process. The project meets the primary goal of the State Comprehensive Plan through preservation and protection of the shorefront development and infrastructure.

3. Chapter 252, Disaster Preparation, Response and Mitigation. This chapter creates a state emergency management agency, with the authority to provide for the common defense; to protect the public peace, health and safety; and to preserve the lives and property of the people of Florida.

Response: The proposed project involves placing beach compatible material onto an eroding beach as a protective means for residents, development and infrastructure located along the Atlantic shoreline within the community of Miami Beach in Dade County. Therefore, this project would be consistent with the efforts of Division of Emergency Management.

4. Chapter 253, State Lands. This chapter governs the management of submerged state lands and resources within state lands. This includes archeological and historical resources; water resources; fish and wildlife resources; beaches and dunes; submerged grass beds and other benthic communities; swamps, marshes and other wetlands; mineral resources; unique natural features; submerged lands; spoil islands; and artificial reefs.

Response: The proposed beach nourishment would create increased recreational beach and potential sea turtle nesting habitat. No seagrass beds are located within the area proposed to receive fill. Buffer zones will be used to protect hardbottom communities near the borrow area. Buffer zones will also be used to protect potentially significant magnetic anomalies identified in the vicinity of the borrow areas. The proposed project would comply with the intent of this chapter.

5. Chapters 253, 259, 260, and 375, Land Acquisition. This chapter authorizes the state to acquire land to protect environmentally sensitive areas.

Response: Since the affected property already is in public ownership, this chapter does not apply.

6. Chapter 258, State Parks and Aquatic Preserves. This chapter authorizes the state to manage state parks and preserves. Consistency with this statute would include consideration of projects that would directly or indirectly adversely impact park property, natural resources, park programs, management or operations.

Response: The proposed project area does not contain any state parks or aquatic preserves. The Key Biscayne National Park is located south of the proposed borrow areas and the Key Biscayne Artificial Reef Special Management Zone is located immediately east. It is not expected that construction activities will affect any resources in these areas. The project is consistent with this chapter.

7. Chapter 267, Historic Preservation. This chapter establishes the procedures for implementing the Florida Historic Resources Act responsibilities.

Response: This project has been coordinated with the State Historic Preservation Officer (SHPO). Historic Property investigations were conducted in the project area. An archival and literature search, in addition to a magnetometer survey of the proposed borrow area were conducted. Buffer zones will be established to protect any potentially significant

anomalies identified in the vicinity of the borrow areas. No known historic properties are located on the segment of beach to be renourished. The SHPO concurred with the Corps determination that the proposed project will not adversely affect any significant cultural or historic resources. The project will be consistent with the goals of this chapter.

8. Chapter 288, Economic Development and Tourism. This chapter directs the state to provide guidance and promotion of beneficial development through encouraging economic diversification and promoting tourism.

Response: The proposed beach nourishment would protect this section of beach at Miami Beach. The larger beach, as a result of this project, will attract tourists by providing additional space for recreation and more protection to recreational facilities along the beach. This would be compatible with tourism for this area and therefore, is consistent with the goals of this chapter.

9. Chapters 334 and 339, Public Transportation. This chapter authorizes the planning and development of a safe balanced and efficient transportation system.

Response: No public transportation systems would be impacted by this project.

10. Chapter 370, Saltwater Living Resources. This chapter directs the state to preserve, manage and protect the marine, crustacean, shell and anadromous fishery resources in state waters; to protect and enhance the marine and estuarine environment; to regulate fishermen and vessels of the state engaged in the taking of such resources within or without state waters; to issue licenses for the taking and processing products of fisheries; to secure and maintain statistical records of the catch of each such species; and, to conduct scientific, economic, and other studies and research.

Response: The proposed beach fill may cause a temporary short-term impact to infaunal invertebrates from increased turbidity and/or direct burial of these organisms. However, these organisms are highly adapted to the periodic burial by sand in the intertidal zone. These organisms are highly fecund and are expected to return to pre-construction levels within 6 months to one year after construction. No adverse impacts to marine fishery resources are expected. It is not expected that sea turtles would be significantly impacted by this project. Based on the overall impacts of the project, the project is consistent with the goals of this chapter.

11. Chapter 372, Living Land and Freshwater Resources. This chapter establishes the Game and Freshwater Fish Commission and directs it to manage freshwater aquatic life and wild animal life and their habitat to perpetuate a diversity of species with densities and distributions, which provide sustained ecological, recreational, scientific, educational, aesthetic, and economic benefits.

Response: The project will have no effect on freshwater aquatic life or wild animal life.

12. Chapter 373, Water Resources. This chapter provides the authority to regulate the withdrawal, diversion, storage, and consumption of water.

Response: This project does not involve water resources as described by this chapter.

13. Chapter 376, Pollutant Spill Prevention and Control. This chapter regulates the transfer, storage, and transportation of pollutants and the cleanup of pollutant discharges.

Response: The contract specifications will prohibit the contractor from dumping oil, fuel, or hazardous wastes in the work area and will require that the contractor adopt safe and sanitary measures for the disposal of solid wastes. A spill prevention plan will be required.

14. Chapter 377, Oil and Gas Exploration and Production. This chapter authorizes the regulation of all phases of exploration, drilling, and production of oil, gas, and other petroleum products.

Response: This project does not involve the exploration, drilling or production of gas, oil or petroleum product and therefore, this chapter does not apply.

15. Chapter 380, Environmental Land and Water Management. This chapter establishes criteria and procedures to assure that local land development decisions consider the regional impact nature of proposed large-scale development.

Response: The proposed renourishment project will not have any regional impact on resources in the area. Therefore, the project is consistent with the goals of this chapter.

16. Chapter 388, Arthropod Control. This chapter provides for a comprehensive approach for abatement or suppression of mosquitoes and other pest arthropods within the state.

Response: The project will not further the propagation of mosquitoes or other pest arthropods.

17. Chapter 403, Environmental Control. This chapter authorizes the regulation of pollution of the air and waters of the state by the Florida Department of Environmental Regulation (now a part of the Florida Department of Environmental Protection).

Response: A Environmental Assessment addressing project impacts was prepared and reviewed by the appropriate resource agencies including the Florida Department of Environmental Protection. Environmental protection measures will be implemented to ensure that no lasting adverse effects on water quality, air quality, or other environmental resources will occur. Water Quality Certification will be sought from the State prior to construction. The project complies with the intent of this chapter.

18. Chapter 582, Soil and Water Conservation. This chapter establishes policy for the conservation of the state soil and water through the Department of Agriculture. Land use policies will be evaluated in terms of their tendency to cause or contribute to soil erosion or to conserve, develop, and utilize soil and water resources both onsite or in adjoining properties affected by the project. Particular attention will be given to projects on or near agricultural lands.

Response: The proposed project is not located near or on agricultural lands; therefore, this chapter doe s not apply.

APPENDIX C - PERTINENT CORRESPONDENCE

mailed out
12/27/00

Planning Division
Environmental Branch

DEC 27 2000

Mr. Andreas Mager, Jr.
Assistant Regional Administrator
Habitat Conservation Division
National Marine Fisheries Service
9721 Executive Center Drive North
St. Petersburg, Florida 33702

Dear Mr. Mager:

This references the renourishment at Miami Beach in the Vicinity of 63rd Street, Dade County Beach Erosion Control and Hurricane Protection Project and your letter dated November 15, 2000, providing Essential Fish Habitat (EFH) Conservation Recommendations. This letter serves as our response under Section 305(b)(4) of the Magnuson-Stevens Fishery Conservation and Management Act (MSFCMA).

We have reviewed the EFH Conservation Recommendations and concur with your recommendations. With regard to EFH Conservation Recommendation 1, extensive turbidity and sedimentation monitoring and assessment will occur prior to, during and following project construction. The monitoring will cover all phases of the construction plan. Turbidity monitoring for the borrow area and the beach fill area is detailed in the Water Quality Certification (0126527-002-JC, modified on November 20, 2000) issued by the Florida Department of Environmental Protection (FDEP) and in the U.S. Army Corps of Engineers Contract Plans and Specifications for the project. Sedimentation monitoring is detailed in the 'Physical and Biological Monitoring Program... Sunny Isles Renourishment – Design Modification' submitted to the FDEP by the Dade County Department of Environmental Resources Management (DERM) and incorporated into the FDEP Water Quality Certification.

Regarding Conservation Recommendation 2, incorporating NOAA's HEA (i.e. 3% per year factor), we concur that the temporal loss of hard bottom should be accounted for, and included in the mitigation ratio. The FDEP determined that a recalculation was warranted and the mitigation level was increased approximately 2 times (i.e. 1 reef module for every 5 m^2 instead of every 10 m^2 of reef impact) the amount originally provided to your office. We believe this adjustment will more than compensate for the 3% factor requested by your office.

If you have any questions or need further information, please contact Mr. Mike Dupes at 904-232-1689.

Sincerely,

James C. Duck
Chief, Planning Division

Copy Furnished:

Mr. Mark Thompson, National Marine Fisheries Service, 3500 Delwood Beach Road, Panama City, Florida 32408-7403

Mr. Michael Johnson, National Marine Fisheries Service, 11420 North Kendall Drive, Miami, Florida 33176

Mr. Steve Blair, Dade County Department of Environmental Resources Management, 33 SW 2nd Avenue, Suite 300, Miami, Florida 33130

bcc:
CESAJ-DP-I (Stevens)

STATE OF FLORIDA

DEPARTMENT OF COMMUNITY AFFAIRS

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STEVEN M. SEIBERT
Secretary

December 18, 2000

Mr. James C. Duck, Chief
Department of the Army
Jacksonville District Corps of Engineers
Post Office Box 4970
Jacksonville, Florida 32232-0019

RE: U.S. Department of the Army - District Corps of Engineers - Draft Environmental Assessment - Renourishment at Miami Beach (Vicinity of 63rd Street) Dade County Beach Erosion Control and Hurricane Protection Project - Miami Beach, Miami-Dade County, Florida
SAI # FL200006050402CR

Dear Mr. Duck:

The enclosed comments provided by the Florida Fish and Wildlife Conservation Commission were inadvertently omitted from our prior correspondence of December 4, 2000. Please be advised that these comments do not change our finding that, at this stage, the draft environmental assessment for the above-referenced project is consistent with the Florida Coastal Management Program.

If you have any questions, please contact me at (850) 414-5495 or the address above.

Sincerely,

Cherie L. Trainor

Cherie L. Trainor, Coordinator
Florida State Clearinghouse

Enclosures

cc: Mr. Bradley J. Hartman, Florida Fish and Wildlife Conservation Commission

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FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION

November 28, 2000

OFFICE OF ENVIRONMENTAL SERVICES
BRADLEY J. HARTMAN, DIRECTOR
(850)488-6661 TDD (850)488-9542
FAX (850)922-5679

Ms. Cherie Trainor
Florida State Clearinghouse
Department of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee, FL 32399-2100

RE: SAI #200006050402CR, U.S. District Corps of Engineers, Draft Environmental Assessment (EA) – Renourishment at Miami Beach (Vicinity of 63rd Street), Miami Beach, Dade County

Dear Ms. Trainor:

The Office of Environmental Services of the Florida Fish and Wildlife Conservation Commission has reviewed the referenced project, and offers the following comments. The proposed project is to renourish ~2,800 feet of public beach in the vicinity of 63rd Street, Miami Beach, Florida, using sand from two offshore borrow sites.

As currently written, the draft EA is not consistent with subsection 370.12 (1) (c) and (f), Florida Statutes, which prohibit the take of marine turtles unless such take has been authorized as incidental by the U.S. Fish & Wildlife Service (FWS). The FWS's Incidental Take Authorization is valid only if all Terms and Conditions in the Biological Opinion are met, but not all Terms and Conditions were included in the Environmental Commitments Section of the EA.

To resolve this inconsistency, staff has spoken with Mr. Michael Dupes of the Corps' Jacksonville District. Mr. Dupes indicated that the Environmental Commitment's section of the draft Environmental Assessment will be revised to specify that all Terms and Conditions in the U.S. Fish and Wildlife Service's Biological Opinion will be implemented by the Corps and its contractors. Completion of this revision should address our concerns.

Thank you for the opportunity to review this project. Please request a copy of the revised Environmental Commitment's section be provided to Dr. Robbin Trindell in the Bureau of Protected Species Management. Dr. Trindell can be contacted at (850) 922-4330.

Sincerely,

Bradley J. Hartman

Bradley J. Hartman, Director
Office of Environmental Services

BJH/RNT
200006050402CR.wpd
ENV 7-3

STATE OF FLORIDA

DEPARTMENT OF COMMUNITY AFFAIRS

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STEVEN M. SEIBERT
Secretary

December 4, 2000

Mr. James C. Duck, Chief
Department of the Army
Jacksonville District Corps of Engineers
Post Office Box 4970
Jacksonville, Florida 32232-0019

RE: U.S. Department of the Army - District Corps of Engineers - Draft Environmental Assessment - Renourishment at Miami Beach (Vicinity of 63rd Street) Dade County Beach Erosion Control and Hurricane Protection Project - Miami Beach, Miami-Dade County, Florida
SAI: FL200006050402CR

Dear Mr. Duck:

The Florida State Clearinghouse, pursuant to Presidential Executive Order 12372, Gubernatorial Executive Order 95-359, the Coastal Zone Management Act, 16 U.S.C. §§ 1451-1464, as amended, and the National Environmental Policy Act, 42 U.S.C. §§ 4321, 4331-4335, 4341-4347, as amended, has coordinated a review of the above-referenced project.

The Department of Environmental Protection (DEP) offers several comments and recommendations regarding the proposed project. DEP recommends that the Corps modify its proposed mitigation plan for this project, as indicated in DEP's enclosed comments and as spelled out in DEP's Joint Coastal Permit Notice of Intent to Issue, which was signed on November 1, 2000. DEP further recommends that the applicant coordinate with the Florida Fish and Wildlife Conservation Commission to ascertain, and implement, any requirements for protection of listed species in the area. Please refer to the enclosed DEP comments.

The South Florida Water Management District (SFWMD) notes that, under the operating agreement between DEP and the SFWMD, this project will be reviewed by DEP. Please refer to the enclosed SFWMD comments.

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Based on the information contained in the draft environmental assessment and the enclosed comments provided by our reviewing agencies, the state has determined that the above-referenced project is consistent with the Florida Coastal Management Program. Enclosed are all comments received to date from our reviewing agencies. Comments subsequently received by the State Clearinghouse will be forwarded for your review.

In addition, the South Florida Regional Planning Council (SFRPC) has identified the policies and goals of its Strategic Regional Policy Plan which may apply to the proposed activity. The comments provided by the SFRPC are enclosed for your review and consideration.

Thank you for the opportunity to review the draft environmental assessment. If you have any questions regarding this letter, please contact Ms. Cherie Trainor, Clearinghouse Coordinator, at (850) 414-5495.

Sincerely,

for

Ralph Cantral, Executive Director
Florida Coastal Management Program

RC/cc

Enclosures

cc: Robert Hall, Department of Environmental Protection
Jim Golden, South Florida Water Management District
John Hulsey, South Florida Regional Planning Council

COUNTY: Miami-Dade

DATE: 10/19/2000

COMMENTS DUE DATE: 11/19/2000

CLEARANCE DUE DATE: 12/04/2000

Message:

SAI#: FL200006050402C

STATE AGENCIES	WATER MANAGEMENT DISTRICTS	OPB POLICY UNITS
X Agriculture Community Affairs Environmental Protection Fish & Wildlife Conserv. Comm State Transportation	South Florida WMD	Environmental Policy/C & ED

RECEIVED
OCT 23 2000
Division of Forestry
FRP&SS BUREAU

The attached document requires a Coastal Zone Management Act/Florida Coastal Management Program consistency evalutation and is categorized as one of the following:

— Federal Assistance to State or Local Government (15 CFR 930, Subpart F). Agencies are required to evaluate the consistency of the activity.

_X_ Direct Federal Activity (15 CFR 930, Subpart C). Federal Agencies are required to furnish a consistency determination for the State's concurrence or objection.

— Outer Continental Shelf Exploration, Development or Production Activities (15 CFR 930, Subpart E). Operators are required to provide a consistency certification for state concurrence/objection.

— Federal Licensing or Permitting Activity (15 CFR 930, Subpart D). Such projects will only be evaluated for consistency when there is not an analogous state license or permit.

Project Description:

U.S. Department of the Army - District Corps of Engineers - Draft Environmental Assessment - Renourishment at Miami Beach (Vicinity of 63rd Street) Dade County Beach Erosion Control and Hurricane Protection Project - Miami Beach, Miami-Dade County, Florida.

To: Florida State Clearinghouse
Department of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee, FL 32399-2100
(850) 922-5438 (SC 292-5438)
(850) 414-0479 (FAX)

EO. 12372/NEPA

☑ No Comment
☐ Comments Attached
☐ Not Applicable

Federal Consistency

☑ No Comment/Consistent
☐ Consistent/Comments Attached
☐ Inconsistent/Comments Attached
☐ Not Applicable

From:
Jack P. Dodd, Planner
Division of Forestry
Forest Resource Planning &
Support Services Bureau
3125 Conner Blvd. Mail Stop C23
Tallahassee, FL 32399-1650

Division/Bureau: _____

Reviewer: _____

Date: 11-19-00

Department of
Environmental Protection

Jeb Bush
Governor

Marjory Stoneman Douglas Building
3900 Commonwealth Boulevard
Tallahassee, Florida 32399-3000

David B. Struhs
Secretary

November 9, 2000

Ms. Cherie Trainor
Florida State Clearinghouse
Department of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100

Re: U.S. Department of the Army, District Corps of Engineers, Draft Environmental Assessment for Beach Renourishment, 63rd Street Beach, Miami Beach, Dade County

SAI: FL200006050402CR

Dear Ms. Trainor:

The Department has reviewed the above-described project proposal and based on the information provided, we submit the following comments and recommendations.

Background:

This project was submitted to the Department's Office of Beaches and Coastal systems as an application for "Joint Consolidated Coastal Permit and Sovereign Submerged Land Authorization," prior to the required State Clearinghouse review for consistency with applicable state laws. This has resulted in the Department's action to provide a Notice of Intent to Issue the requested joint permit, prior to receiving state agency comments from the Clearinghouse (see attached Consolidated Notice of Intent). Although the reason for this reversal of process is not clear, it is recommended that in the future the Corps initiate the required Clearinghouse review of projects prior to submitting consolidated permit applications to the Department. Having comments from state agencies related to project consistency might facilitate more timely processing in the future, especially for projects that may prove to be controversial.

Comments:

Included here for reference is a brief summary of the terms and conditions from the Department's Notice of Intent to Issue a Joint Consolidated Permit. With regard to the Corp's proposed mitigation plan, the method of mitigation calculation as described in the draft EA is not acceptable (see the very last page of the EA). Although the County and Corps have agreed to modify the

method of mitigation calculation, while working within the permitting process, a discussion of that determination follows.

The mitigation plan states that a 1:1 ratio is to be constructed and that one prefabricated module will be placed for every 10 square meters of impact. While we concur with the proposed 1:1 mitigation ratio, the method of calculating surface area needs to be consistent with the anticipated impacts and the module surface area mitigation. Currently, the mitigation calculation of the module surface area includes interior and exterior surface area (i.e., a 3-dimensional). Since square footage impact is based on footprint, the determination of mitigation square footage credit needs to be based on the two dimensional footprint.

The planar footprint area of each 6x9-foot module is 54 square feet (5 square meters). Therefore, one prefabricated reef module containing 5 square meters should be placed for every 5 square meters of area of benthic impact. Based on pre-project assessments, and in consideration of the range of actual impact levels documented, the projected impact associated with the two pipeline corridors will be between 141 square meters and 565 square meters. This would require between 28.2 and 113 modules for mitigation (approximately double of that originally proposed by the Corps).

Recommendation:

It is recommended that the Corps modify its proposed mitigation plan for this project, as indicated above, and as spelled out in the Department's Joint Coastal Permit Notice of Intent to Issue that was signed on November 1, 2000. Further, it is recommended that the applicant coordinate with the Florida Fish and Wildlife Conservation Commission to ascertain, and implement, any requirements for protection of listed species in the area.

Thank you for the opportunity of commenting on this proposal. If you have any questions regarding this letter please give me a call at (850) 487-2231.

Sincerely,

Robert W. Hall
Office of Legislative and Governmental Affairs

Attachment
cc: Keith Mille

In the Matter of an
Application for Permit/Water Quality Certification
and Authorization to Use Sovereign Submerged Lands by:

APPLICANT:
U.S. Army Corps of Engineers
Attn: Richard E. Bonner, P.E.
Deputy District Engineer
Post Office Box 4970
Jacksonville, Florida 32232-0019

PROJECT NAME:
Dade County 63rd Street Beach Renourishment
File No. 0126527-002-JC
Dade County

CONSOLIDATED NOTICE OF INTENT TO ISSUE
JOINT COASTAL PERMIT AND
AUTHORIZATION TO USE SOVEREIGN SUBMERGED LANDS
PERMIT MODIFICATION

The Department of Environmental Protection gives consolidated notice of its intent to:

(a) issue a major modification to Permit No. 0126527-001-JC under Chapter 161 and Part IV of Chapter 373, Florida Statutes (F.S.), and Title 62, Florida Administrative Code (F.A.C.) (draft copy of permit modification attached). Issuance of a joint coastal permit also constitutes certification of compliance with state water quality standards pursuant to section 404 of the Clean Water Act, 33 U.S.C. 1344;

(b) grant a consent of use to Miami-Dade County to use sovereign submerged lands for the proposed pipeline corridors and beach fill area, under Article X, Section 11 of the Florida Constitution, Chapter 253, F.S., and Title 18, F.A.C., and the policies of the Board of Trustees, as described below, subject to any fees or conditions as specified herein.

The issuance of the joint coastal permit also constitutes a finding of consistency with Florida's Coastal Zone Management Program, as required by Section 307 of the Coastal Management Act.

I. DESCRIPTION OF THE PROPOSED ACTIVITY

The project modification involves beach nourishment of 2,800 feet of additional eroding shoreline along the Northern Miami Beach areas of Dade County in the vicinity of 63rd Street. Approximately 200,000 cubic yards of sand is to be placed between DEP reference monuments R-44 and R-46A. The beach fill will have a typical berm elevation of +9 feet MLW, construction

berm width of 120, extending waterward of the Erosion Control Line (ECL), and construction foreshore slope of 1 vertical to 15 horizontal. The permit modification includes authorization for placement of a new pipeline corridor at North Miami Beach (R-43) and at Sunny Isles Beach (R-20), with associated mitigation.

The activity is located along the Atlantic Coast in Dade County, Section 2, Township 52 South, and Range 42 East within Class III waters of the State of Florida.

II. AUTHORITY FOR REVIEW

The Department has permitting authority under Chapter 161 and Part IV of Chapter 373, F.S., and Chapters 62-330, 62-341, 62-343, 62B-41 and 62B-49, F.A.C.

The activity also requires a proprietary authorization, as it is located on sovereign submerged lands owned by the Board of Trustees of the Internal Improvement Trust Fund. Pursuant to Article X, Section 11 of the Florida Constitution, Sections 253.002 and 253.77, F.S., Sections 18-21.0040, 18-21.0051 and 62-343.075, F.A.C. and the policies of the Board of Trustees, the Department has the responsibility to review and take final action on this request for proprietary authorization.

III. BACKGROUND/BASIS FOR ISSUANCE

A. General Background

The applicant, U. S. Army Corps of Engineers, applied on August 21, 2000 to the Department of Environmental Protection to modify the existing water quality certification to allow placement of up to 200,000 cubic yards of sand along 2,500 feet of shoreline at North Miami Beach between R-44 and R-46A from two permitted offshore borrow sites (reference Permit No. 0126527-001-JC). The application also includes a request for two new 50 ft. wide pipeline corridors (i.e., never used before): one at R-43 for the North Miami Beach segment and one at R-20 for the Sunny Isles South segment.

The extent of potential direct impacts to hardbottom communities are restricted to the hardbottom communities within the slurry pipeline corridors. The dredging industry has indicated that the maximal distance that sand can be pushed through the pipeline, with the utilization of a "booster pump" is approximately 3 miles. The Miami-Dade Beach Erosion Control Project extends approximately 13 Miles, from the North end of Sunny Isles to Government Cut. Present methods of renourishment for these beaches requires transference of sand to the beach via a submerged pipeline from a location approximately 1.25 to 1.75 miles offshore. None of the existing 4 pipeline corridors provide access to these segments. The applicant has provided assurance that there are no practicable alternatives to the use of a submerged pipeline. A floating

pipeline would present a public safety hazard to the numerous boaters and jetskiers that use the area.

Due to the extent of the hardbottom/reef in the project area, the submerged pipeline will have to cross the natural communities within a 50 ft wide corridor across the reef areas. The proposed alignment was identified through habitat surveys to be the least damaging alignment. The communities that will be impacted include algal, sponge, soft coral, and hard coral populations. It is anticipated that the algal, sponge, and soft coral populations would recover within 5 to 15 years, although, since these corridors are proposed to be used again for future nourishment projects, impacted reef communities may not be able to recover prior to the next nourishment event. Hard corals that are directly impacted by the pipeline will be lost for an undetermined time period and some will never fully recover to pre-project conditions.

Preliminary impact assessments were submitted by Miami-Dade Department of Environmental Resources Management (DERM). Based on these estimates, up to 306 m^2 of benthic impact is possible within the Sunny Isles (R-20) corridor, and up to 400 m^2 of benthic impact is possible within the North Miami Beach (R-43) corridor (total impact possible 706 m^2). The potential pipeline contact path is projected to include 532 hard corals, 2,637 soft corals, and 2,329 sponges. Based on post-pipeline removal assessments associated with previous similar pipeline placements, the actual (documented) impacts range between 20% and 80% of pre-project impact estimates. Therefore, it the projected actual impacts range between 141 m^2 and 565 m^2.

The specific acreage of damage to the nearshore hardbottom and corresponding artificial reef creation required will be determined through a scuba-survey of the pipeline corridor conducted within two weeks after removal of the pipeline. Since a known projected minimum and maximum range of impacts are expected, the Department requested mitigation construction prior to project construction. In a letter dated October 12, 2000, the U.S. Army Corps stated that the construction of the mitigation into the renourishment contract would be outside the scope of the contract. As a result, the mitigation construction is anticipated to occur within 12 months after construction of the nourishment project as a separate contract. Mitigation will be constructed at a 1:1 ratio, based on the two dimensional footprint, with mitigation reef construction to be completed within 12 months after completion of the beach nourishment project. The impacts involve temporary (but reoccurring) loss of organisms but no loss of hardbottom substrate. Since there is no loss of hardbottom substrate, and the mitigation will provide additional habitat and a safe haven for colonization by algae, sponge, soft coral, and hard coral, the 1:1 mitigation ration is expected to offset the impacts. The footprint area of each 6x9 ft. module is 54 $ft.^2$ (5 m^2). One 5 m^2 prefabricated reef module will be placed for every 5m^2 area of benthic impact. Based on pre-project assessments, and in consideration of the range of actual impact levels documented, the projected impact associated with the two pipeline corridors will be between 141 m^2 and 565 m^2. This would require between 28.2 and 113 modules for mitigation. Mitigation will be constructed pursuant to the attached "Mitigation Plan for placement of dredge

slurry pipelines on hardground areas in association with construction of the modifications to Sunny Isles segment and beach renourishment at Miami Beach."

The plans and specifications and the monitoring plan require the contractor to insure that the pipeline is placed in a manner that would cause minimal impact to the hardbottom and avoid large coral heads to the greatest extent possible. Dade County will permanently mark the boundaries of the pipeline corridor by drilling stainless steel eyebolts into the hardbottom at 500-foot intervals along the corridor. The locations are to be recorded using a Differential Global Positioning System (DGPS) prior to pipeline positioning. The eyebolts shall be marked with subsurface buoys to allow repeated, accurate relocation of the corridor for future projects. The plans and specifications require the contractor to provide a collar or a pipeline joint every 100 feet along the pipeline. The collar or pipeline joint shall extend 8 inches outward from the pipe to provide for minimal pipe contact with the hardbottom/reef habitat.

All coral heads greater than or equal to 1 meter in diameter that exist within the corridor shall be marked by Dade County with a surface buoy prior to positioning of the pipeline. This shall provide visual guidance for the contractor placing the pipeline. The position of each marked coral head shall be recorded using DGPS. When possible, Dade County will relocate coral heads out of the path of the pipeline prior to positioning.

Immediately after pipeline placement, fragments of coral heads which have been impacted by the pipeline shall be stabilized and transplanted using appropriate methods. Coral heads that are dislodged or shaded by the pipeline shall be transplanted to suitable locations. The County's monitoring plan is designed to determine the success of the recovery of stabilized and relocated hard corals.

The siting of the offshore "Operational Box" (i.e., authorized offshore construction and staging area) for each corridor was determined through (1) evaluation of side scan sonar as found in the 1992 "Coast of Florida Erosion and Storm Effects Study: Region III"; (2) additional side scan surveys conducted by the USACOE during spring of 2000; and (3) diver verification of reef edges and areas of significant habitat. Based on data of the side scan sonar information, the Operational Box is shown to be only 65 to 112 feet from the reef's edge. However, the distance to the actual reef based on diver verification is minimally 150 feet. A 150 ft. buffer has been the normal distance maintained for contractor's bouys, cables, anchors, and other equipment.

The proposed beach fill site is considered to be within the nesting range for marine turtles. Nesting by the endangered leatherback and green turtle, and the threatened loggerhead turtle have been documented to occur within, and in the vicinity of, the project site. Incidental take for nest relocation for the proposed project has been provided by the USFWS in the biological opinion dated August 11, 1993. Conditions concerning the protection of marine turtles are included in the plans and specifications and approved monitoring plan.

Manatees are known to occur in and along the Atlantic coast beaches of the project site. The project will not impact grazing or other habitat for manatees. The standard manatee construction conditions have been included in the plans and specifications to minimize the potential for injuries during dredging.

B. Project Specifications, Monitoring and Mitigation

The beach nourishment is part of a federally-authorized beach erosion control and hurricane protection restoration project which provides for the construction of a protective/recreational beach and a protective dune for 2,800 feet of shoreline along North Miami Beach. Miami-Dade County is the local government sponsor of the project.

Project Specifications:

The U.S. Army Corps of Engineers will conduct the work in accordance with construction plans and specifications which include provisions for the protection of water resources and endangered species. The Department has received and reviewed the project specifications which the Department considers particularly important in providing reasonable assurance of compliance with state water quality standards and to avoid or minimize adverse impacts to natural resources and endangered species. Copies of the approved Specifications for this project are available from the Office of Beaches and Coastal Systems upon request.

Monitoring and Mitigation:

Dade County will conduct monitoring, mitigation and beach maintenance activities for the protection of natural resources and endangered species. The Monitoring, Mitigation and Marine Turtle Protection Plan includes measures for the protection and mitigation of hard corals, assessment of impacts in the pipeline corridors, visual surveys of the reefs for mechanical and sedimentation damage, fill material analysis, marine turtle monitoring and beach maintenance activities, and beach profile surveys. A copy of the environmental monitoring plan is attached.

C. Specific Regulatory Basis for Issuance

Through the above and based on the general/limiting and specific conditions to the permit, the applicant has provided affirmative reasonable assurance that the construction and operation of the activity, considering the direct, secondary and cumulative impacts, will comply with the provisions of Chapter 161 and Part IV of Chapter 373, F.S., and the rules adopted thereunder, including the Conditions for Issuance or Additional Conditions for Issuance of a joint coastal permit, pursuant to Chapter 161 and Part IV of Chapter 373, F.S., Chapters 62B-41, 62B-49 and 62-330, and Sections 40E-4.301 and 40E-4.302, F.A.C. The construction and operation of the activity will not result in violations of the water quality standards set forth in Chapters 62-4, 62-

302, 62-520, 62-522, and 62-550, F.A.C. The applicant has also demonstrated that the construction of the activity, including a consideration of the direct, secondary, and cumulative impacts, is not contrary to the public interest, pursuant to paragraph 373.414(1)(a), F.S.

Furthermore, after considering the merits of the proposal and any written objections from affected persons, the Department finds that on compliance with the permit conditions, plans and specifications and the local sponsor's monitoring plan, the activities indicated in the project description are of such a nature that they will result in no significant adverse impacts to the sandy beaches of the state; are not expected to adversely impact nesting sea turtles, their hatchlings, or their habitat; will not interfere, except during construction, with the use by the public of any area of the beach seaward of mean high water; and are appropriately designed in accordance with Rule 62B-41, F.A.C.

D. Specific Proprietary Basis for Issuance

Through the above and based on the general/limiting and specific conditions to the permit, the applicant has met all applicable requirements for proprietary authorizations to use sovereign submerged lands, pursuant to Article X, Section 11 of the Florida Constitution, Chapter 253 F.S., associated Rule 18-21, F.A.C., and the policies of the Board of Trustees. The applicant has provided reasonable assurance that the activity:

(1) is "not contrary to the public interest";
(2) will maintain essentially natural conditions;
(3) will not cause adverse impacts to fish and wildlife resources or public recreation or navigation; and
(4) will not interfere with the riparian rights of adjacent property owners.

In addition, the project is consistent with the goals and objectives of the "Conceptual State Lands Management Plan" adopted by the Board of Trustees on March 17, 1981.

IV. PUBLICATION OF NOTICE

The Department has determined that the proposed activity, because of its size, potential effect on the environment or the public, controversial nature, or location, is likely to have a heightened public concern or likelihood of request for administrative proceedings. Therefore, pursuant to Section 62B-49.005 (8), F.A.C., you (the applicant) are required to publish at your own expense the enclosed notice of this Consolidated Notice of Intent to Issue. The notice shall be published one time only within 30 days, in the legal ad section of a newspaper of general circulation in the area affected. For the purpose of this rule, "publication in a newspaper of general circulation in the area affected" means publication in a newspaper meeting the requirements of Sections 50.011 and 50.031, F.S., in the county where the activity is to take place. The applicant shall provide proof of publication to:

Department of Environmental Protection
Bureau of Beaches and Coastal Systems
3900 Commonwealth Blvd., Mail Station 300
Tallahassee, Florida 32399-3000

The proof of publication shall be provided to the above address within seven days of publication. Failure to publish the notice and provide proof of publication within the allotted time shall be grounds for denial of the permit and easement to use sovereign submerged lands.

V. RIGHTS OF AFFECTED PARTIES

The Department will issue the permit (draft attached) and consent to use and intent to grant an easement on sovereign submerged lands unless a sufficient petition for an administrative hearing is timely filed pursuant to sections 120.569 and 120.57, Florida Statutes, as provided below. The procedures for petitioning for a hearing are set forth below. The actual terms of the public easement will be formally executed at a later date and shall include provisions for rents and such other provisions as normally are included in such easement. Mediation under Section 120.573, F.S., is not available for this proceeding.

A person whose substantial interests are affected by the Department's action may petition for an administrative proceeding (hearing) under sections 120.569 and 120.57, F.S. The petition must contain the information set forth below and must be filed (received by the clerk) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000.

Because the administrative hearing process is designed to redetermine final agency action on the application, the filing of a petition for an administrative hearing may result in a modification of the permit or even a denial of the application.

Under rule 62-110.106(4), Florida Administrative Code, a person whose substantial interests are affected by the Department's action may also request an extension of time to file a petition for an administrative hearing. The Department may, for good cause shown, grant the request for an extension of time. Requests for extension of time must be filed with the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, before the applicable deadline. A timely request for extension of time shall toll the running of the time period for filing a petition until the request is acted upon. If a request is filed late, the Department may still grant it upon a motion by the requesting party showing that the failure to file a request for an extension of time before the deadline was the result of excusable neglect.

In the event that a timely and sufficient petition for an administrative hearing is filed, other persons whose substantial interests will be affected by the outcome of the administrative process have the right to petition to intervene in the proceeding. Any intervention will be only at the discretion of the presiding judge upon the filing of a motion in compliance with rule 28-106.205, F.A.C.

In accordance with rules 28-106.111(2) and 62-110.106(3)(a)(1), F.A.C., petitions for an administrative hearing by the applicant must be filed within 14 days of receipt of this written notice. Petitions filed by any persons other than the applicant, and other than those entitled to written notice under section 120.60(3), F.S., must be filed within 14 days of publication of the notice or within 14 days of receipt of the written notice, whichever occurs first.

Under section 120.60(3), F.S., however, any person who has asked the Department for notice of agency action may file a petition within 14 days of receipt of such notice, regardless of the date of publication.

The petitioner shall mail a copy of the petition to the applicant at the address indicated above at the time of filing. The failure of any person to file a petition for an administrative hearing within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under sections 120.569 and 120.57, F.S.

A petition that disputes the material facts on which the Department's action is based must contain the following information:

(a) The name and address of each agency affected and each agency's file or identification number, if known;
(b) The name, address, and telephone number of the petitioner; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests are or will be affected by the agency determination;
(c) A statement of when and how the petitioner received notice of the agency decision;
(d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate;
(e) A concise statement of the ultimate facts alleged, including the specific facts that the petitioner contends warrant reversal or modification of the agency's proposed action;
(f) A statement of the specific rules or statutes that the petitioner contends require reversal or modification of the agency's proposed action; and